SUF

FILED

07 DEC 26 AM 10: 55

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Ariel INFANTE** Defendant.	Magistrate Case No.: '07 MJ 2959 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation

The undersigned complainant being duly sworn states:

On or about **December 21, 2007** within the Southern District of California, defendant **Ariel INFANTE**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **David Edbin HERNANDEZ-Mejia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Signature of Complainant
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **26th** day of **December 2007**.

United States Magistrate Judge

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Roger Quintana Jr., declare under penalty of perjury the following to be true and correct:

The complainant states that **David Edbin HERNANDEZ-Mejia** is a citizen of a country other than the United States; that said aliens has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 21, 2007 at approximately 3:40 AM, **Ariel INFANTE (Defendant)** applied for entry into the United States from Tijuana, Mexico at the San Ysidro, California Port of Entry through vehicle primary lane 15. Defendant was the driver and sole visible occupant of a blue 1990 Lincoln Town Car. Upon reaching the primary inspection booth, an automated referral was generated giving the primary officer instruction to conduct a thorough search of all occupants and the vehicle. During primary inspection before a Customs and Border Protection (CBP) Officer, Defendant stated he was going home to Riverside, California and claimed ownership of the vehicle. Defendant stated he was traveling alone and declared he was not bringing anything back from Mexico. Defendant stated he was a naturalized United States citizen and presented his Certificate of Citizenship. The CBP Officer elected to refer and escorted the vehicle with Defendant into vehicle secondary for further inspection.

In secondary, a Hispanic male was discovered concealed in a compartment located between the rear seat and the trunk of the vehicle. Defendant was taken into custody and escorted to a secondary office for further investigation. The male extracted from the compartment was later identified as **David Edbin HERNANDEZ-Mejia (Material Witness)**, a Mexican citizen with no proper documents to enter or reside into the United States.

Defendant was advised of his Miranda rights and elected to make a statement and answer questions without a lawyer present. Defendant admitted he was smuggling a male undocumented alien for financial gain. Defendant stated he was going to receive a sum of $400.00 USD for the smuggling act. Defendant stated he made the smuggling arrangements with a male in Tijuana, Mexico.

Material Witness was interviewed and gave the following declaration: Material Witness declared being a citizen of Mexico with no entitlements to enter or reside in the United States. Material Witness stated he intended to travel to Vallejo, California to seek employment. Material Witness stated he was going to pay a fee of $2,500.00 USD for being smuggled into the United States.

Executed on this 21st day of **December 2007 at 3:00 PM**.

[signature]
Roger Quintana Jr. / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(1)** page, I find probable cause to believe that the defendant named therein committed the offense on **December 21, 2007** in violation of Title 8, United States Code, Section 1324.

[signature]
U.S. Magistrate Judge

12/22/07 - 350 Am
Date / Time